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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,247	01/28/2004	James Roach	077283.0103	4164
5073 7590 01/24/2007 BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			EXAMINER DINH, KHANH Q	
			ART UNIT 2151	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	01/24/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/24/2007.

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glenda.orrantia@hotmail.com  
mike.furr@bakerbotts.com  
ptomail1@bakerbotts.com

**Office Action Summary**

Application No.

10/766,247

Applicant(s)

ROACH, JAMES

Examiner

Khanh Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12, 41-52, 54-60 and 62-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 41-52, 54-60 and 62-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/22/2006</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/7/2006 has been entered. Claims 1-12 and 41-52 and 54-60 and new claims 62-67 are presented for examination.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-12, 41-52, 54-60 and 63-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrod et al., US pat. No.6,405,049 (hereafter Herrod) in view Johnson et al., US Pub. No.2002/0095400 A1 (hereafter Johnson).

As to claim 1, Herrod discloses a method for remotely collecting data from a dealer management system (12 fig.2a), comprising:

identifying a dealer management system (12 fig.2a) communicatively coupled to a secure data access port, wherein the secure data access port (connecting to an

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access point 66 fig.5, see col.10 lines 25-58) is communicatively coupled to a public network (internet/Intranet 15 fig.2a);

the dealer management system is operable to process a local request for data, the local requests received from at least one of a plurality of local client devices communicatively coupled to the dealer management system (processing and downloading data information to a portable device, see abstract, figs.1, 2a, 5, col.5 line 33 to col.6 line 48);

receiving at the secure data access port a remote request for data, the remote request received over the public network from a remote system and transforming the remote request to a serial data stream (see col.7 lines 1-38 and col.12 lines 1-42);

forwarding the transformed remote request from the secure data access port to the dealer management system (processing orders/products according to customer's buying preferences and patterns, see col.9 lines 3-48 and col.11 lines 3-51); and

receiving at the remote system the requested data from the dealer management system (see col.11 line 3 to col.12 line 42).

Herrod does not specifically disclose that the transformed remote request having a similar level or priority as the local request. However, Johnson discloses that the transformed remote request having a similar level or priority as the local request (see [0199] to [0204] and [0237]). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Johnson's teaching into the computer method of Herrod to process data information because it would have ensured

a defined minimum portion of the required resources to be immediately available in a specified amount of time (see Herrod's [0199]).

As to claim 2, Herrod discloses that the public network comprising the Internet (see col.5 lines 33-65).

As to claim 3, Herrod discloses wherein the secure data access port is assigned an P address, and the remote system connects to the dealer management system using the Internet by entering the IP address of the secure data access port (see col.28 lines 35-65).

As to claim 4, Herrod discloses using a private key and a public key pair to establish a secure connection between the remote system and the dealer management system (see col.11 lines 20-58 and col.28 lines 14-64).

As to claim 5, Herrod discloses the secure data access port includes a security module that is operable to receive an IP address of the remote system; if the IP address is not an accepted IP address, deny the remote system to the secure data access port (see fig.21 and col.27 line 12 to col.28 line 65 and col.28 line 40 to col.29 line 65).

As to claim 6, Herrod discloses the secure data access port includes a security module that is operable to receive a pass-code from the remote system; if the pass-code is

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determined is not a valid pass-code, deny the remote system to the secure data access port (see fig.21 and col.27 line 12 to col.28 line 65 and col.29 lines 17-65).

As to claim 7, Herrod discloses logging on to the dealer management system by providing a pass-code, wherein the pass-code provides file level access to certain data stored in the dealer management system and the remote request comprising a command to directly access data from the dealer management system (see fig.21 and col.27 line 12 to col.28 line 65 and col.col.29 lines 17-65).

As to claim 8, Herrod discloses that in the secure data access port, transforming the requested data received from the dealer management system into a format acceptable for transmission over the public network (see figs. 5, 33a, col.10 lines 25-58, col.9 line 13 to col.10 line 44 and col.16 lines 2-52).

As to claim 9, Herrod discloses the requested data received from the dealer management system is transformed into data packets acceptable for transmission to the remote system using the TCP/IP protocol in an encrypted format (see col.30 line 30 to col.31 line 48).

As to claim 10, Herrod discloses the remote request is transformed into the serial data stream by a terminal emulator application executed by the secure data access port (see fig.33a, col.9 line 13 to col.10 line 44 and col.31 lines 3-65).

As to claim 11, Herrod discloses the secure data access port is logically positioned between the public network and a firewall associated with the dealer management (see fig.33a, col.9 line 13 to col.10 line 44 and col.16 lines 2-52).

As to claim 12, Herrod discloses wherein the secure data access port includes a board level computer, and the board level computer is operable to allow the remote system to remotely configure the secure data access port (see fig.33a, col.9 line 13 to col.10 line 44 and col.35 line 40 to col.36 line 59).

Claims 41 and 51 are rejected for the same reasons set forth in claim 1.

Claims 42-49 are rejected for the same reasons set forth in claims 12, 3, 4, 5, 6 and 8-10 respectively.

As to claim 50, Herrod discloses the secure data access port is coupled to a client device and the secure data access port is operable to provide pass-through connectivity to the dealer management system for the client device, and the pass-through connectivity occurs transparent to the client device (see fig.2b, col.10 lines 15-58 and col.12 lines 1-42).

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Claims 52 and 54-60 are rejected for the same reasons set forth in claims 12, 3-6 and 8-10 respectively.

Claim 63 is rejected for the same reasons set forth in claim 50.

As to claims 64 and 65, Herrod discloses that the pass-code comprises a user identifier and a password and wherein the remote system is operable, via the secure data access port, to write data to a database associated with the dealer management system (see fig.33a, col.9 line 13 to col.10 line 44 and col.35 line 40 to col.36 line 59).

4. Claims 13 and 53 rejected under 35 U.S.C. 103(a) as being unpatentable over Herrod and Johnson and further in view of Reiner, US pat. No.6,219,676 (hereafter Reiner).

As to claims 13, 53, 62, 66 and 67, Herrod's teachings still applied as in claims 1 and 51 above. Herrod does not specifically disclose that the dealer management system is associated with an automobile dealership the at least one local client device is associated with one or more employees of the automobile dealership; and the remote system is associated with a financing service or insurer that provides services to one or more customers of the automobile dealership. However, Reiner discloses that the dealer management system is associated with an automobile dealership the at least one local client device is associated with one or more employees of the automobile dealership; and the remote system is associated with a financing service or insurer that



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provides services to one or more customers of the automobile dealership (see abstract, fig.1, col.5 line 20 to col.6 line 51 and col.8 line 32 to col.9 line 45). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Reiner's teachings into the computer system of Herrod to process client activities on the Internet because it would have handled a variety of client requests through the web server and provided more utilizations of the computer system on the Internet communications network.

As to claim 62, Herrod does not specifically disclose t the dealer management system comprises a plurality of client communication links and the secure data access port is communicatively coupled to the dealer management system via at least one of the plurality of client communication links. However, Reiner discloses that t the dealer management system comprises a plurality of client communication links and the secure data access port is communicatively coupled to the dealer management system via at least one of the plurality of client communication links (see abstract, fig.1, col.5 line 20 to col.6 line 51 and col.8 line 32 to col.9 line 45). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Reiner's teachings into the computer system of Herrod to process client activities on the Internet because it would have handled a variety of client requests through the web server and provided more utilizations of the computer system on the Internet communications network.

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As to claims 66 and 67, Herrod does not specifically disclose that the remote request comprises a request for a particular type of data and the secure data access port comprises a data aggregation module that is operable to according to configurable time intervals, repeatedly retrieve the particular type of data from the dealer management system and the requested data from the dealer management system comprises at least one of: customer data; inventory data; warranty data; and sales data. However, Reiner discloses that the remote request comprises a request for a particular type of data and the secure data access port comprises a data aggregation module that is operable to according to configurable time intervals, repeatedly retrieve the particular type of data from the dealer management system and the requested data from the dealer management system comprises at least one of: customer data; inventory data; warranty data; and sales data (see abstract, fig.1, col.5 line 20 to col.6 line 51 and col.8 line 32 to col.9 line 45). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Reiner's teachings into the computer system of Herrod to process client activities on the Internet because it would have handled a variety of client requests through the web server and provided more utilizations of the computer system on the Internet communications network.

### ***Response to Arguments***


5. Applicant's arguments with respect to claims 1-12, 41-52, 54-60 and 62-67 have been considered but are moot in view of the new ground(s) of rejection.

### Conclusion

6. Claims 1-12, 41-52, 54-60 and 62-67 are rejected.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
KHANH DINH  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 2100